

Remarks

Claims 1-4 remain pending in this application for consideration. Claims 1 and 2 have been amended to correct grammatical errors in the originally filed claims.

Rejections Under 35 C.F.R. § 103(a)

The Examiner rejected claims 1-4 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,437,024 to French ("French") in view of U.S. Patent No. 6,055,487 to Margery et al. ("Margery").

Claims 1-4

With respect to claims 1-4 of the present application, the Examiner argues that French discloses all of the steps of the claims except for the step of obtaining data indicative of outputs of a group of laboratory instruments. The Examiner further argues that Margery discloses the step of obtaining data indicative of outputs of a group of laboratory instruments, and that it would have been obvious to one having ordinary skill in the art to modify French to include the indicating of the data outputs. The Examiner states that the motivation to make this modification is suggested by Margery as a means to troubleshoot instrument errors from a remote site.

French is directed to a computer-generated information distribution system (see Title, French). As described in French, identifying information is automatically extracted from a received report, then the report is automatically transmitted to the intended recipient (see Abstract lines 15-21, French). French further describes how the destination information is automatically determined based on information extracted from the report itself, and the report is distributed according to that destination information (col. 4, lines 11-17, French).

Margery, on the other hand, is directed to an interactive analysis system whereby data at central laboratory may be accessed from remote locations (Abstract, lines 1-6, Margery). As described in Margery, dedicated remote computers may request data from the central server databases, and may then display such data (col. 4, lines 58-1).

Thus, French and Margery represent two antithetical approaches to data management. French teaches automatically processing a report at a central station and then automatically sending the report to a remote location, while Margery teaches transferring data to a remote location only upon receipt of a request from that remote station. As stated in MPEP §2143.01, the mere fact that references can be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination. There is absolutely no disclosure, suggestion, or teaching in either French or Margery that would lead one of skill in the art to combine the automatic report distribution process in French with the data-on-request process taught in Margery. Thus, the Examiner's combination of these references is improper, and the rejection of claims 1-4 should be withdrawn.

Furthermore, as stated in MPEP § 2143.01, if the proposed modification would render the prior art invention being modified unsatisfactory for its intended purpose, then there is no suggestion or motivation to make the proposed modification. Since French teaches only the automatic distribution of reports from a central system, the combination with the on-request data distribution of Margery would render French unfit to automatically process and send reports. The two methods are incompatible, and it is not sensible to attempt to combine them. Likewise, combining the on-demand data distribution system of Margery with the automatic report distribution of French is not sensible, as the system of Margery would not be capable of

processing an unsolicited report of unknown origin as sent by the system of French. Thus, for this reason too, the Examiner's combination of the references is improper, and the rejection of claims 1-4 should be withdrawn.

Finally, as stated in MPEP §2145, it is improper to combine references where the references teach away from their combination. French teaches a system in which a central system automatically sends reports to remote stations. Margery teaches a system in which data is sent from a central system to a remote station only upon request from the remote station. These two approaches are antithetical, they in fact teach away from each other. For this additional reason, the Examiner's combination of these references is improper, and the rejection of claims 1-4 should be withdrawn.

Claims 1 and 2

With respect to claims 1 and 2, the Examiner specifically argues that French discloses "storing the formatted data in a file for extraction by the external monitoring facility" as claimed in claims 1 and 2 of the present invention.

As discussed above with respect to claims 1-4, French is directed to a computer-generated information distribution system (see Title, French). As described in French, identifying information is automatically extracted from a received report, then the report is automatically transmitted to the intended recipient (see Abstract lines 15-21, French). French further describes how the destination information is automatically determined based on information extracted from the report itself, and the report is distributed according to that destination information (col. 4, lines 11-17, French).

By contrast, claims 1 and 2 of the present invention require storing a data file for extraction by an external monitoring facility. There is absolutely no teaching, suggestion, or

disclosure in French to store a data file until it is requested for extraction by a remote station, as in claims 1 and 2 of the present invention. French, in fact, teaches just the opposite, namely to automatically distribute reports to the remote stations without having to wait for a request from the remote station. Thus, the Examiner's argument that French discloses the step of storing a data file until it is requested for extraction is incorrect, and the Examiner's rejection of claims 1 and 2 is improper, and should be withdrawn.

In view of the foregoing remarks, it is respectfully submitted that all claims of the application are now in condition for allowance and eventual issuance. Such action is respectfully requested. Should the Examiner have any further questions or comments which need be addressed in order to obtain allowance, he is invited to contact the undersigned attorney at the number listed below.

Acknowledgement of receipt is respectfully requested.

Respectfully submitted,

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